



General Assembly

Substitute Bill No. 320

February Session, 2004

* _____SB00320HS_APP031104_____*

AN ACT REESTABLISHING THE DEPARTMENT ON AGING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2006*) (a) There is established a
2 Department on Aging which shall be under the direction and
3 supervision of the Commissioner on Aging who shall be appointed by
4 the Governor in accordance with the provisions of sections 4-5 to 4-8,
5 inclusive, of the general statutes, as amended by this act, with the
6 powers and duties prescribed in said sections. The commissioner shall
7 be knowledgeable and experienced with respect to the conditions and
8 needs of elderly persons and shall serve on a full-time basis.

9 (b) The Commissioner on Aging shall administer all laws under the
10 jurisdiction of the Department on Aging and shall employ the most
11 efficient and practical means for the provision of care and protection of
12 elderly persons. The commissioner shall have the power and duty to
13 do the following: (1) Administer, coordinate and direct the operation
14 of the department; (2) adopt and enforce regulations, in accordance
15 with chapter 54 of the general statutes, as necessary to implement the
16 purposes of the department as established by statute; (3) establish rules
17 for the internal operation and administration of the department; (4)
18 establish and develop programs and administer services to achieve the
19 purposes of the department; (5) contract for facilities, services and
20 programs to implement the purposes of the department; (6) act as

21 advocate for necessary additional comprehensive and coordinated
22 programs for elderly persons; (7) assist and advise all appropriate
23 state, federal, local and area planning agencies for elderly persons in
24 the performance of their functions and duties pursuant to federal law
25 and regulation; (8) plan services and programs for elderly persons; (9)
26 coordinate outreach activities by public and private agencies serving
27 elderly persons; and (10) consult and cooperate with area and private
28 planning agencies.

29 (c) The functions, powers, duties and personnel of the Division of
30 Elderly Services of the Department of Social Services, or any
31 subsequent division or portion of a division with similar functions,
32 powers, personnel and duties, shall be transferred to the Department
33 on Aging pursuant to the provisions of section 4-38d and 4-38e of the
34 general statutes.

35 (d) Any order or regulation of the Department of Social Services or
36 the Commission on Aging that is in force on January 1, 2006, shall
37 continue in force and effect as an order or regulation until amended,
38 repealed or superseded pursuant to law.

39 Sec. 2. (NEW) (*Effective January 1, 2006*) (a) The Department on
40 Aging shall continuously study the conditions and needs of elderly
41 persons in this state in relation to nutrition, transportation, home-care,
42 housing, income, employment, health, recreation and other matters.
43 The department shall be responsible, in cooperation with federal, state,
44 local and area planning agencies on aging, for the overall planning,
45 development and administration of a comprehensive and integrated
46 social service delivery system for elderly persons and the aged. The
47 department shall: (1) Measure the need for services; (2) survey
48 methods of administration of programs for service delivery; (3)
49 provide for periodic evaluations of social services; (4) maintain
50 technical, information, consultation and referral services, in
51 cooperation with other state agencies, to local and area public and
52 private agencies to the fullest extent possible; (5) develop and
53 coordinate educational outreach programs for the purposes of

54 informing the public and elderly persons of available programs; (6)
55 cooperate in the development of performance standards for licensing
56 of residential and medical facilities with appropriate state agencies; (7)
57 supervise the establishment, in selected areas and local communities of
58 the state, of pilot programs for elderly persons; (8) coordinate with the
59 Department of Transportation to provide adequate transportation
60 services related to the needs of elderly persons; and (9) cooperate with
61 other state agencies to provide adequate and alternate housing for
62 elderly persons, including congregate housing, as defined in section 8-
63 119e of the general statutes. Subject to the provisions of chapter 67 of
64 the general statutes, the Department on Aging may employ such
65 clerical and other assistance as it requires to carry out its duties.

66 (b) The Department on Aging shall be the single state agency for the
67 administration, monitoring and coordination of programs for elderly
68 persons and the aged pursuant to any state or federal law or
69 regulation, except as otherwise provided in the general statutes or as
70 required by federal law as a prerequisite to federal reimbursement or
71 grants.

72 Sec. 3. (NEW) (*Effective January 1, 2006*) (a) The Department on
73 Aging may receive, hold, invest and disburse money, securities,
74 supplies or equipment offered it for any of its purposes by the federal
75 government or by any person, corporation or association. The
76 department may, within the limits of funds available to it from state
77 appropriations or otherwise, enter into agreements with federal
78 agencies for programs to help older persons in the field of community
79 planning, services and training or otherwise, as is or may be
80 authorized under federal law. The department shall include in its
81 annual report an account of any property so received, the names of its
82 donors, its location, the use made of the property and the amount of
83 unexpended balances on hand.

84 (b) The Department on Aging may contract with any public or
85 private agency or person to provide services for the elderly.

86 Sec. 4. Section 4-5 of the general statutes, as amended by section 4 of
87 public act 03-84, section 2 of public act 03-217 and sections 146, 147 and
88 241 of public act 03-6 of the June 30 special session, is repealed and the
89 following is substituted in lieu thereof (*Effective January 1, 2006*):

90 As used in sections 4-6, 4-7 and 4-8, the term "department head"
91 means Secretary of the Office of Policy and Management,
92 Commissioner of Administrative Services, Commissioner of Revenue
93 Services, Commissioner on Aging, Banking Commissioner,
94 Commissioner of Children and Families, Commissioner of Agriculture
95 and Consumer Protection, Commissioner of Correction, Commissioner
96 of Economic and Community Development, State Board of Education,
97 Commissioner of Environmental Protection, Commissioner of Public
98 Health, Insurance Commissioner, Labor Commissioner, Liquor
99 Control Commission, Commissioner of Mental Health and Addiction
100 Services, Commissioner of Public Safety, Commissioner of Social
101 Services, Commissioner of Mental Retardation, Commissioner of
102 Motor Vehicles, Commissioner of Transportation, Commissioner of
103 Public Works, Commissioner of Veterans' Affairs, Commissioner of
104 Health Care Access, Chief Information Officer, the chairperson of the
105 Public Utilities Control Authority, the executive director of the Board
106 of Education and Services for the Blind and the executive director of
107 the Connecticut Commission on Arts, Tourism, Culture, History and
108 Film.

109 Sec. 5. Section 4-9a of the general statutes, as amended by section
110 210 of public act 03-6 of the June 30 special session, is repealed and the
111 following is substituted in lieu thereof (*Effective January 1, 2006*):

112 (a) The Governor shall appoint the chairperson and executive
113 director, if any, of all boards and commissions within the Executive
114 Department, except the Board of Governors of Higher Education,
115 provided the Governor shall appoint the initial chairman of said board
116 as provided in section 10a-2, the State Properties Review Board, the
117 State Elections Enforcement Commission, the Commission on Human
118 Rights and Opportunities, the State Ethics Commission [, the

119 Commission on Aging] and the Commission on Fire Prevention and
120 Control.

121 (b) Public members shall constitute not less than one-third of the
122 members of each board and commission within the Executive
123 Department, except the Gaming Policy Board and the Commission on
124 Human Rights and Opportunities. Public member means an elector of
125 the state who has no substantial financial interest in, is not employed
126 in or by, and is not professionally affiliated with, any industry,
127 profession, occupation, trade or institution regulated or licensed by the
128 relevant board or commission, and who has had no professional
129 affiliation with any such industry, profession, occupation, trade or
130 institution for three years preceding [his] the elector's appointment to
131 the board or commission. Except as otherwise specifically provided by
132 the general statutes, this section shall not apply to the Commission on
133 Fire Prevention and Control, boards and commissions the membership
134 of which is entirely composed of state department heads, elected
135 officials or deputies appointed by such department heads or where the
136 membership of such board or commission is determined in accordance
137 with the provisions of any federal law.

138 (c) Notwithstanding any provision of law to the contrary, the term
139 of each member of each board and commission within the executive
140 branch, except the State Board of Education, the Board of Governors of
141 Higher Education, the Gaming Policy Board, the Commission on
142 Human Rights and Opportunities, the State Elections Enforcement
143 Commission, the State Properties Review Board, the State Ethics
144 Commission, the Commission on Medicolegal Investigations, the
145 Psychiatric Security Review Board, the Commission on Fire Prevention
146 and Control, the E 9-1-1 Commission, the Connecticut Commission on
147 Arts, Tourism, Culture, History and Film, [the Commission on Aging]
148 the board of trustees of each constituent unit of the state system of
149 higher education and the Board of Parole, commencing on or after July
150 1, 1979, shall be coterminous with the term of the Governor or until a
151 successor is chosen whichever is later.

152 (d) Each member of each board and commission within the
153 executive branch shall serve at the pleasure of the appointing authority
154 except where otherwise specifically provided by any provision of the
155 general statutes.

156 Sec. 6. Section 4-38c of the general statutes, as amended by sections
157 146 and 148 of public act 03-6 of the June 30 special session, is repealed
158 and the following is substituted in lieu thereof (*Effective January 1,*
159 *2006*):

160 There shall be within the executive branch of state government the
161 following departments: Office of Policy and Management, Department
162 of Administrative Services, Department of Revenue Services,
163 Department on Aging, Department of Banking, Department of
164 Children and Families, Department of Agriculture and Consumer
165 Protection, Department of Correction, Department of Economic and
166 Community Development, State Board of Education, Department of
167 Environmental Protection, Department of Public Health, Board of
168 Governors of Higher Education, Insurance Department, Labor
169 Department, Department of Mental Health and Addiction Services,
170 Department of Mental Retardation, Department of Public Safety,
171 Department of Social Services, Department of Transportation,
172 Department of Motor Vehicles, Department of Veterans' Affairs,
173 Department of Public Works and Department of Public Utility Control.

174 Sec. 7. Section 4-60i of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective January 1, 2006*):

176 The Commissioner of Social Services shall (1) develop, throughout
177 the Departments of Mental Retardation, Public Health, Correction,
178 Aging, Children and Families and Mental Health and Addiction
179 Services, uniform management information, uniform statistical
180 information, uniform terminology for similar facilities and uniform
181 regulations for the licensing of human services facilities, (2) plan for
182 increased participation of the private sector in the delivery of human
183 services, (3) provide direction and coordination to federally funded

184 programs in the human services agencies and recommend uniform
185 system improvements and reallocation of physical resources and
186 designation of a single responsibility across human services agencies
187 lines to eliminate duplication.

188 Sec. 8. Section 7-127b of the general statutes is repealed and the
189 following is substituted in lieu thereof (*Effective January 1, 2006*):

190 (a) The chief elected official or the chief executive officer if by
191 ordinance of each municipality shall appoint a municipal agent for
192 elderly persons. Such agent shall be a member of the municipality's
193 commission on aging, if any, a member of another agency that serves
194 elderly persons, an elected official of the state or the municipality or a
195 responsible resident of the municipality who has demonstrated an
196 interest in the elderly or has been involved in programs in the field of
197 aging.

198 (b) Each municipal agent shall (1) disseminate information to
199 elderly persons and assist such persons in learning about the
200 community resources available to them and publicize such resources
201 and benefits; (2) assist elderly persons in applying for federal and
202 other benefits available to such persons; (3) submit written reports at
203 least annually to the chief elected official, chief executive officer,
204 legislative body and committee or commission on aging of the
205 municipality, if any, and to the Department [of Social Services on] on
206 Aging regarding the services they have provided, the needs and
207 problems of the elderly and any recommendations for municipal
208 action with regard to elderly persons.

209 (c) Each municipal agent shall serve for a term of two or four years,
210 at the discretion of the appointing authority of each municipality, and
211 may be reappointed. If more than one agent is necessary to carry out
212 the purposes of this section, the appointing authority, in the discretion
213 of such appointing authority, may appoint one or more assistant
214 agents. The town clerk in each municipality shall notify the
215 Department [of Social Services] on Aging immediately of the

216 appointment of a new municipal agent. Each municipality may
217 provide to its municipal agent resources sufficient for such agent to
218 perform the duties of the office.

219 (d) The Department [of Social Services] on Aging shall be
220 responsible for assuring that the provisions of this section are being
221 carried out by municipalities, and shall adopt and disseminate to
222 municipalities guidelines as to the role and duties of municipal agents
223 and such informational and technical materials to assist such agents in
224 performance of their duties. Said department shall provide training for
225 municipal agents in accordance with their needs and the resources of
226 the department and in cooperation with area agencies on aging. The
227 department shall sponsor at least one training session in each of the
228 planning and service areas of the Department [of Social Services] on
229 Aging. Such training shall include, but not be limited to, information,
230 from updated lists, on the availability of housing. Each municipal
231 agent shall attend at least one such session. Said department shall
232 assist such agents to develop and maintain simple records about the
233 needs of elderly persons and the services provided to them, which
234 records shall be confidential and used only to provide data that is
235 useful to the Department [of Social Services] on Aging and the area
236 agencies on aging in the preparation of the annual state and area plans.

237 Sec. 9. Section 17b-1 of the general statutes is repealed and the
238 following is substituted in lieu thereof (*Effective January 1, 2006*):

239 (a) There is established a Department of Social Services. The
240 department head shall be the Commissioner of Social Services, who
241 shall be appointed by the Governor in accordance with the provisions
242 of sections 4-5 to 4-8, inclusive, as amended by this act, with the
243 powers and duties therein prescribed.

244 (b) The Department of Social Services shall constitute a successor
245 department to the Department of Income Maintenance [,] and the
246 Department of Human Resources [and the Department on Aging] in
247 accordance with the provisions of sections 4-38d and 4-39.

248 (c) Wherever the words "Commissioner of Income Maintenance" []
249 or "Commissioner of Human Resources" [or "Commissioner on
250 Aging"] are used in the general statutes, the words "Commissioner of
251 Social Services" shall be substituted in lieu thereof. Wherever the
252 words "Department of Income Maintenance" [] or "Department of
253 Human Resources" [or "Department on Aging"] are used in the general
254 statutes, "Department of Social Services" shall be substituted in lieu
255 thereof.

256 (d) Any order or regulation of the Department of Income
257 Maintenance [] or the Department of Human Resources [or the
258 Department on Aging which] that is in force on July 1, 1993, shall
259 continue in force and effect as an order or regulation of the
260 Department of Social Services until amended, repealed or superseded
261 pursuant to law. Where any order or regulation of said departments
262 conflict, the Commissioner of Social Services may implement policies
263 and procedures consistent with the provisions of public act 93-262*
264 while in the process of adopting the policy or procedure in regulation
265 form, provided notice of intention to adopt the regulations is printed
266 in the Connecticut Law Journal within twenty days of implementation.
267 The policy or procedure shall be valid until the time final regulations
268 are effective.

269 Sec. 10. Section 17b-2 of the general statutes is repealed and the
270 following is substituted in lieu thereof (*Effective January 1, 2006*):

271 The Department of Social Services is designated as the state agency
272 for the administration of (1) the child care development block grant
273 pursuant to the Child Care and Development Block Grant Act of 1990;
274 (2) the Connecticut energy assistance program pursuant to the Low
275 Income Home Energy Assistance Act of 1981; [(3) programs for the
276 elderly pursuant to the Older Americans Act; (4)] (3) the state plan for
277 vocational rehabilitation services for the fiscal year ending June 30,
278 1994; [(5)] (4) the refugee assistance program pursuant to the Refugee
279 Act of 1980; [(6)] (5) the legalization impact assistance grant program

280 pursuant to the Immigration Reform and Control Act of 1986; [(7)] (6)
281 the temporary assistance for needy families program pursuant to the
282 Personal Responsibility and Work Opportunity Reconciliation Act of
283 1996; [(8)] (7) the Medicaid program pursuant to Title XIX of the Social
284 Security Act; [(9)] (8) the food stamp program pursuant to the Food
285 Stamp Act of 1977; [(10)] (9) the state supplement to the Supplemental
286 Security Income Program pursuant to the Social Security Act; [(11)]
287 (10) the state child support enforcement plan pursuant to Title IV-D of
288 the Social Security Act; and [(12)] (11) the state social services plan for
289 the implementation of the social services block grants and community
290 services block grants pursuant to the Social Security Act. The
291 Department of Social Services is designated a public housing agency
292 for the purpose of administering the Section 8 existing certificate
293 program and the housing voucher program pursuant to the Housing
294 Act of 1937.

295 Sec. 11. Section 17b-4 of the general statutes, as amended by section
296 61 of public act 03-278, is repealed and the following is substituted in
297 lieu thereof (*Effective January 1, 2006*):

298 (a) The Department of Social Services shall plan, develop,
299 administer, operate, evaluate and provide funding for services for
300 individuals and families served by the department who are in need of
301 personal or economic development. In cooperation with other social
302 service agencies and organizations, including community-based
303 agencies, the department shall work to develop and fund prevention,
304 intervention and treatment services for individuals and families. The
305 department shall: (1) Provide appropriate services to individuals and
306 families as needed through direct social work services rendered by the
307 department and contracted services from community-based
308 organizations funded by the department; (2) collect, interpret and
309 publish statistics relating to individuals and families serviced by the
310 department; (3) monitor, evaluate and review any program or service
311 which is developed, operated or funded by the department; (4)
312 supervise the establishment of pilot programs funded by the

313 department in local communities which assist and support individuals
314 and families in personal and economic development; (5) improve the
315 quality of services provided, operated and funded by the department
316 and increase the competency of its staff relative to the provision of
317 effective social services by establishing and supporting ongoing staff
318 development and training; and (6) encourage citizen participation in
319 the development of social service priorities and programs.

320 [(b) The Department of Social Services shall study continuously the
321 conditions and needs of elderly and aging persons in this state in
322 relation to nutrition, transportation, home-care, housing, income,
323 employment, health, recreation and other matters. It shall be
324 responsible in cooperation with federal, state, local and area planning
325 agencies on aging for the overall planning, development and
326 administration of a comprehensive and integrated social service
327 delivery system for elderly persons and the aged. The department
328 shall: (1) Measure the need for services; (2) survey methods of
329 administration of programs for service delivery; (3) provide for
330 periodic evaluations of social services; (4) maintain technical,
331 information, consultation and referral services in cooperation with
332 other state agencies to local and area public and private agencies to the
333 fullest extent possible; (5) develop and coordinate educational
334 outreach programs for the purposes of informing the public and
335 elderly persons of available programs; (6) cooperate in the
336 development of performance standards for licensing of residential and
337 medical facilities with appropriate state agencies; (7) supervise the
338 establishment, in selected areas and local communities of the state, of
339 pilot programs for elderly persons; (8) coordinate with the Department
340 of Transportation to provide adequate transportation services related
341 to the needs of elderly persons; and (9) cooperate with other state
342 agencies to provide adequate and alternate housing for elderly
343 persons, including congregate housing, as defined in section 8-119e.]

344 [(c)] (b) The Department of Social Services, in conjunction with the
345 Department of Public Health, may adopt regulations in accordance

346 with the provisions of chapter 54 to establish requirements with
347 respect to the submission of reports concerning financial solvency and
348 quality of care by nursing homes for the purpose of determining the
349 financial viability of such homes, identifying homes that appear to be
350 experiencing financial distress and examining the underlying reasons
351 for such distress. Such reports shall be submitted to the Nursing Home
352 Financial Advisory Committee established under section 17b-339.

353 Sec. 12. Subsection (a) of section 17b-28 of the general statutes is
354 repealed and the following is substituted in lieu thereof (*Effective*
355 *January 1, 2006*):

356 (a) There is established a council which shall advise the
357 Commissioner of Social Services on the planning and implementation
358 of a system of Medicaid managed care and shall monitor such
359 planning and implementation and shall advise the Waiver Application
360 Development Council, established pursuant to section 17b-28a, on
361 matters including, but not limited to, eligibility standards, benefits,
362 access and quality assurance. The council shall be composed of the
363 chairpersons and ranking members of the joint standing committees of the
364 General Assembly having cognizance of matters relating to human
365 services and public health, or their designees; two members of the
366 General Assembly, one to be appointed by the president pro tempore
367 of the Senate and one to be appointed by the speaker of the House of
368 Representatives; the [director of the Commission] Commissioner on
369 Aging, or a designee; the director of the Commission on Children, or a
370 designee; two community providers of health care, to be appointed by
371 the president pro tempore of the Senate; two representatives of the
372 insurance industry, to be appointed by the speaker of the House of
373 Representatives; two advocates for persons receiving Medicaid, one to
374 be appointed by the majority leader of the Senate and one to be
375 appointed by the minority leader of the Senate; one advocate for
376 persons with substance abuse disabilities, to be appointed by the
377 majority leader of the House of Representatives; one advocate for
378 persons with psychiatric disabilities, to be appointed by the minority
379 leader of the House of Representatives; two advocates for the

380 Department of Children and Families foster families, one to be
381 appointed by the president pro tempore of the Senate and one to be
382 appointed by the speaker of the House of Representatives; two
383 members of the public who are currently recipients of Medicaid, one to
384 be appointed by the majority leader of the House of Representatives
385 and one to be appointed by the minority leader of the House of
386 Representatives; two representatives of the Department of Social
387 Services, to be appointed by the Commissioner of Social Services; two
388 representatives of the Department of Public Health, to be appointed by
389 the Commissioner of Public Health; two representatives of the
390 Department of Mental Health and Addiction Services, to be appointed
391 by the Commissioner of Mental Health and Addiction Services; two
392 representatives of the Department of Children and Families, to be
393 appointed by the Commissioner of Children and Families; two
394 representatives of the Office of Policy and Management, to be
395 appointed by the Secretary of the Office of Policy and Management;
396 one representative of the office of the State Comptroller, to be
397 appointed by the State Comptroller and the members of the Health
398 Care Access Board who shall be ex-officio members and who may not
399 designate persons to serve in their place. The council shall choose a
400 chair from among its members. The joint committee on Legislative
401 Management shall provide administrative support to such chair. The
402 council shall convene its first meeting no later than June 1, 1994.

403 Sec. 13. Subsection (c) of section 17b-337 of the general statutes is
404 repealed and the following is substituted in lieu thereof (*Effective*
405 *January 1, 2006*):

406 (c) The Long-Term Care Planning Committee shall consist of: (1)
407 The chairpersons and ranking members of the joint standing and select
408 committees of the General Assembly having cognizance of matters
409 relating to human services, public health, elderly services and
410 long-term care; (2) the Commissioner of Social Services, or the
411 commissioner's designee; (3) one member of the Office of Policy and
412 Management appointed by the Secretary of the Office of Policy and
413 Management; (4) one member from the Department of Social Services

414 appointed by the Commissioner of Social Services; (5) one member
415 from the Department of Public Health appointed by the Commissioner
416 of Public Health; (6) one member from the Department of Economic
417 and Community Development appointed by the Commissioner of
418 Economic and Community Development; (7) one member from the
419 Office of Health Care Access appointed by the Commissioner of
420 Health Care Access; (8) one member from the Department of Mental
421 Retardation appointed by the Commissioner of Mental Retardation; (9)
422 one member from the Department of Mental Health and Addiction
423 Services appointed by the Commissioner of Mental Health and
424 Addiction Services; (10) one member from the Department of
425 Transportation appointed by the Commissioner of Transportation; (11)
426 one member from the Department of Children and Families appointed
427 by the Commissioner of Children and Families; [and] (12) the
428 executive director of the Office of Protection and Advocacy for Persons
429 with Disabilities or the executive director's designee; and (13) the
430 Commissioner on Aging, or the commissioner's designee. The
431 committee shall convene no later than ninety days after June 4, 1998.
432 Any vacancy shall be filled by the appointing authority. The
433 chairperson shall be elected from among the members of the
434 committee. The committee shall seek the advice and participation of
435 any person, organization or state or federal agency it deems necessary
436 to carry out the provisions of this section.

437 Sec. 14. Subsection (a) of section 17b-338 of the general statutes is
438 repealed and the following is substituted in lieu thereof (*Effective*
439 *January 1, 2006*):

440 (a) There is established a Long-Term Care Advisory Council which
441 shall consist of the following: (1) The [executive director of the
442 Commission on Aging, or the executive director's] Commissioner on
443 Aging, or the commissioner's designee; (2) the State Nursing Home
444 Ombudsman, or the ombudsman's designee; (3) the president of the
445 Coalition of Presidents of Resident Councils, or the president's
446 designee; (4) the executive director of the Legal Assistance Resource

447 Center of Connecticut, or the executive director's designee; (5) the state
448 president of AARP, or the president's designee; (6) one representative
449 of a bargaining unit for health care employees, appointed by the
450 president of the bargaining unit; (7) the president of the Connecticut
451 Association of Not-For-Profit Providers for the Aging, or the
452 president's designee; (8) the president of the Connecticut Association
453 of Health Care Facilities, or the president's designee; (9) the president
454 of the Connecticut Association of Residential Care Homes, or the
455 president's designee; (10) the president of the Connecticut Hospital
456 Association or the president's designee; (11) the executive director of
457 the Connecticut Assisted Living Association or the executive director's
458 designee; (12) the executive director of the Connecticut Association for
459 Homecare or the executive director's designee; (13) the president of
460 Connecticut Community Care, Inc. or the president's designee; (14) one
461 member of the Connecticut Association of Area Agencies on Aging
462 appointed by the agency; (15) the president of the Connecticut chapter
463 of the Connecticut Alzheimer's Association; (16) one member of the
464 Connecticut Association of Adult Day Centers appointed by the
465 association; (17) the president of the Connecticut Chapter of the
466 American College of Health Care Administrators, or the president's
467 designee; (18) the president of the Connecticut Council for Persons
468 with Disabilities, or the president's designee; (19) the president of the
469 Connecticut Association of Community Action Agencies, or the
470 president's designee; (20) a personal care attendant appointed by the
471 speaker of the House of Representatives; (21) the president of the
472 Family Support Council, or the president's designee; (22) a person
473 who, in a home setting, cares for a person with a disability and is
474 appointed by the president pro tempore of the Senate; (23) three
475 persons with a disability appointed one each by the majority leader of
476 the House of Representatives, the majority leader of the Senate and the
477 minority leader of the House of Representatives; (24) a legislator who
478 is a member of the Long-Term Care Planning Committee; and (25) one
479 member who is a nonunion home health aide appointed by the
480 minority leader of the Senate.

481 Sec. 15. Section 17b-343 of the general statutes is repealed and the
482 following is substituted in lieu thereof (*Effective January 1, 2006*):

483 The Commissioner of Social Services, after consultation with the
484 Commissioner on Aging, shall annually establish [annually] the
485 maximum allowable rate to be paid by said agencies for homemaker
486 services, chore person services, companion services, respite care, meals
487 on wheels, adult day care services, case management and assessment
488 services, transportation, mental health counseling and elderly foster
489 care, except that the maximum allowable rates in effect July 1, 1990,
490 shall remain in effect during the fiscal years ending June 30, 1992, and
491 June 30, 1993. The Commissioner of Social Services shall prescribe
492 uniform forms on which agencies providing such services shall report
493 their costs for such services. Such rates shall be determined on the
494 basis of a reasonable payment for necessary services rendered. The
495 maximum allowable rates established by the Commissioner of Social
496 Services for the Connecticut home-care program for the elderly
497 established under section 17b-342 shall constitute the rates required
498 under this section until revised in accordance with this section. The
499 Commissioner of Social Services shall establish a fee schedule, to be
500 effective on and after July 1, 1994, for homemaker services, chore
501 person services, companion services, respite care, meals on wheels,
502 adult day care services, case management and assessment services,
503 transportation, mental health counseling and elderly foster care. The
504 commissioner may annually increase any fee in the fee schedule based
505 on an increase in the cost of services. The commissioner shall increase
506 the fee schedule effective July 1, 2000, by not less than five per cent, for
507 adult day care services. Nothing contained in this section shall
508 authorize a payment by the state to any agency for such services in
509 excess of the amount charged by such agency for such services to the
510 general public.

511 Sec. 16. Section 17b-420 of the general statutes is repealed and the
512 following is substituted in lieu thereof (*Effective January 1, 2006*):

513 (a) There is established a Commission on Aging within the

514 Department on Aging to advocate on behalf of elderly persons on
515 issues and programs of concern to the elderly including, but not
516 limited to, health care, nutrition, housing, employment, transportation,
517 legal assistance and economic security. The commission shall be
518 composed of eleven voting members who are knowledgeable about
519 areas of interest to the elderly to be appointed as follows: Five by the
520 Governor, one by the president pro tempore of the Senate, one by the
521 speaker of the House of Representatives, one by the majority leader of
522 the Senate, one by the majority leader of the House of Representatives,
523 one by the minority leader of the Senate and one by the minority
524 leader of the House of Representatives. The initial appointments to the
525 commission shall be made by August 15, 1993. The initial term for
526 three of the members appointed by the Governor and the members
527 appointed by the president pro tempore of the Senate, majority leader
528 of the House of Representatives and minority leader of the Senate shall
529 expire August 15, 1997, and the initial term for two of the members
530 appointed by the Governor and the members appointed by the speaker
531 of the House of Representatives, majority leader of the Senate and
532 minority leader of the House of Representatives shall expire August
533 15, 1995. Thereafter, all members shall be appointed for a term of four
534 years from August fifteenth in the year of their appointment. Members
535 shall be limited to two consecutive terms. The commission shall
536 include the following ex-officio nonvoting members: The chairpersons
537 and ranking members of the joint standing committee of the General
538 Assembly having cognizance of matters concerning the provision of
539 services to the elderly and the Commissioners of Social Services, Public
540 Health, Mental Health and Addiction Services, Mental Retardation,
541 Economic and Community Development and Transportation, the
542 Insurance Commissioner and the Labor Commissioner. The
543 chairperson of the commission shall be selected by the Governor.
544 Members of the commission shall receive no compensation for their
545 services, but shall be reimbursed for any necessary expenses incurred
546 in the performance of their duties. The Commissioner of Social
547 Services shall convene the initial organizational meeting of the
548 Commission on Aging on or before September 1, 1993.

549 (b) The Commission on Aging shall: (1) Prepare and issue an annual
550 report to the [Governor, General Assembly and the legislative body of
551 each municipality in the state] Commissioner on Aging on its findings
552 and recommendations concerning services for the elderly in the state;
553 (2) conduct annual public hearings on issues affecting the well-being of
554 the elderly in the state; [(3) meet at least monthly with the
555 commissioner and the head of the Division of Elderly Services of the
556 Department of Social Services to review and comment on the policies
557 and procedures of the department concerning the elderly; (4) review
558 and comment on the budget of the Division of Elderly Services of the
559 Department of Social Services; (5)] (3) meet as needed with state
560 officials to discuss issues affecting the elderly; [(6)] and (4) conduct
561 studies and report on issues affecting the elderly. [; and (7)]
562 disseminate information to the business community, education
563 community, state and local governments and the media on the nature
564 and scope of the problems faced by the elderly. The commission may
565 accept any gifts, donations or bequests for any of the purposes of this
566 section.

567 (c) There shall be an executive director of the Commission on Aging
568 who shall be appointed by the Commissioner on Aging after
569 consultation with the commission. There may be additional staff
570 within available appropriations. The commission shall be within the
571 Department [of Social Services for administrative purposes only] on
572 Aging.

573 Sec. 17. Section 17b-461 of the general statutes is repealed and the
574 following is substituted in lieu thereof (*Effective January 1, 2006*):

575 [Regulations shall be promulgated by the Commissioner of Social
576 Services] The Commissioner on Aging shall adopt regulations, in
577 accordance with chapter 54, to carry out the provisions of sections 17b-
578 450 to 17b-461, inclusive, as amended by this act.

579 Sec. 18. Section 19a-531 of the general statutes is repealed and the
580 following is substituted in lieu thereof (*Effective January 1, 2006*):

581 Any employee of the Department of Public Health, the Department
582 on Aging or the Department of Social Services or any regional
583 ombudsman who gives or causes to be given any advance notice to
584 any nursing home facility, directly or indirectly, that an investigation
585 or inspection is under consideration or is impending or gives any
586 information regarding any complaint submitted pursuant to section
587 17b-408, as amended, or 19a-523 prior to an on-the-scene investigation
588 or inspection of such facility, unless specifically mandated by federal
589 or state regulations to give advance notice, shall be guilty of a class B
590 misdemeanor and may be subject to dismissal, suspension or demotion
591 in accordance with chapter 67.

592 Sec. 19. Subsection (a) of section 19a-542 of the general statutes is
593 repealed and the following is substituted in lieu thereof (*Effective*
594 *January 1, 2006*):

595 (a) An application to appoint a receiver for a nursing home facility
596 may be filed in the Superior Court by the Commissioner of Social
597 Services, the Commissioner of Public Health, the Commissioner on
598 Aging or the director of the Office of Protection and Advocacy for
599 Persons with Disabilities. A resident of a facility or such resident's
600 legally liable relative, conservator or guardian may file a written
601 complaint with the Commissioner of Public Health specifying
602 conditions at the facility which warrant an application to appoint a
603 receiver. If the Commissioner of Public Health fails to resolve such
604 complaint within forty-five days of its receipt or, in the case of a
605 facility which intends to close, within seven days of its receipt, the
606 person who filed the complaint may file an application in the Superior
607 Court for the appointment of a receiver for such facility. Said court
608 shall immediately notify the Attorney General of such application. The
609 court shall hold a hearing not later than ten days after the date the
610 application is filed. Notice of such hearing shall be given to the owner
611 of such facility or such owner's agent for service of process not less
612 than five days prior to such hearing. Such notice shall be posted by the
613 court in a conspicuous place inside such facility for not less than three
614 days prior to such hearing.

615 Sec. 20. Section 38a-475 of the general statutes is repealed and the
616 following is substituted in lieu thereof (*Effective January 1, 2006*):

617 The Insurance Department shall only precertify long-term care
618 insurance policies which (1) alert the purchaser to the availability of
619 consumer information and public education provided by the
620 Department [of Social Services] on Aging pursuant to section [17a-307]
621 17b-251; (2) offer the option of home and community-based services in
622 addition to nursing home care; (3) in all home care plans, include case
623 management services delivered by an access agency approved by the
624 Office of Policy and Management and the Department [of Social
625 Services] on Aging as meeting the requirements for such agency as
626 defined in regulations adopted pursuant to subsection (e) of section
627 17b-342, which services shall include, but need not be limited to, the
628 development of a comprehensive individualized assessment and care
629 plan and, as needed, the coordination of appropriate services and the
630 monitoring of the delivery of such services; (4) provide inflation
631 protection; (5) provide for the keeping of records and an explanation of
632 benefit reports on insurance payments which count toward Medicaid
633 resource exclusion; and (6) provide the management information and
634 reports necessary to document the extent of Medicaid resource
635 protection offered and to evaluate the Connecticut Partnership for
636 Long-Term Care. No policy shall be precertified if it requires prior
637 hospitalization or a prior stay in a nursing home as a condition of
638 providing benefits. The commissioner may adopt regulations, in
639 accordance with chapter 54, to carry out the precertification provisions
640 of this section.

641 Sec. 21. Section 17b-429 of the general statutes is repealed and the
642 following is substituted in lieu thereof (*Effective January 1, 2006*):

643 The Commissioner of Social Services shall, within available
644 appropriations, make information available to senior citizens and
645 disabled persons concerning any pharmaceutical company's drug
646 program for indigent persons by utilizing the ConnPACE program, the
647 CHOICES health insurance [counseling and] assistance program, as

648 defined in section [17b-427a] 17b-427, and Infoline of Connecticut to
649 deliver such information.

650 Sec. 22. (NEW) (*Effective January 1, 2006*) The Commissioner on
651 Aging shall administer the ConnPACE program subject to the
652 provisions of sections 17b-274 to 17b-274d, inclusive, of the general
653 statutes, 17b-280 of the general statutes, and 17b-362 of the general
654 statutes, as administered by the Commissioner of Social Services.

655 Sec. 23. Section 17b-367 of the general statutes is repealed and the
656 following is substituted in lieu thereof (*Effective January 1, 2006*):

657 The Office of Policy and Management, within existing budgetary
658 resources and in consultation with the Select Committee on Aging, the
659 [Commission] Commissioner on Aging and the Long-Term Care
660 Advisory Council, shall develop a single consumer-oriented Internet
661 website that provides comprehensive information on long-term care
662 options that are available in Connecticut. The website shall also
663 include direct links and referral information regarding long-term care
664 resources, including private and nonprofit organizations offering
665 advice, counseling and legal services.

666 Sec. 24. Section 17b-450 of the general statutes is amended by
667 adding subdivisions (6) and (7) as follows (*Effective January 1, 2006*):

668 (NEW) (6) "Commissioner" means the Commissioner on Aging.

669 (NEW) (7) "Department" means the Department on Aging.

670 Sec. 25. Section 17b-400 of the general statutes is repealed and the
671 following is substituted in lieu thereof (*Effective January 1, 2006*):

672 (a) As used in this chapter:

673 (1) "State agency" means the [Division of Elderly Services of the
674 Department of Social Services] Department on Aging.

675 (2) "Office" means the Office of the Long-Term Care Ombudsman

676 established in this section.

677 (3) "State Ombudsman" means the State Ombudsman established in
678 this section.

679 (4) "Program" means the long-term care ombudsman program
680 established in this section.

681 (5) "Representative" includes a regional ombudsman, a residents'
682 advocate or an employee of the Office of the Long-Term Care
683 Ombudsman who is individually designated by the ombudsman.

684 (6) "Resident" means an older individual who resides in or is a
685 patient in a long-term care facility who is sixty years of age or older.

686 (7) "Long-term care facility" means any skilled nursing facility, as
687 defined in Section 1819(a) of the Social Security Act, (42 USC 1395i-
688 3(a)) any nursing facility, as defined in Section 1919(a) of the Social
689 Security Act, (42 USC 1396r(a)) a board and care facility as defined in
690 Section 102(19) of the federal Older Americans Act, (42 USC 3002(19))
691 and for purposes of ombudsman program coverage, an institution
692 regulated by the state pursuant to Section 1616(e) of the Social Security
693 Act, (42 USC 1382e(e)) and any other adult care home similar to a
694 facility or nursing facility or board and care home.

695 (8) "Commissioner" means the Commissioner [of Social Services] on
696 Aging.

697 [(9) "Director" means the director of the Division of Elderly Services
698 of the Department of Social Services.]

699 [(10)] (9) "Applicant" means an older individual who has applied for
700 admission to a long-term care facility.

701 (b) There is established an independent Office of the Long-Term
702 Care Ombudsman within the Department [of Social Services] on
703 Aging. The Commissioner [of Social Services] on Aging shall appoint a
704 State Ombudsman who shall be selected from among individuals with

705 expertise and experience in the fields of long-term care and advocacy
706 to head the office and the State Ombudsman shall appoint assistant
707 regional ombudsmen. In the event the State Ombudsman or an
708 assistant regional ombudsman is unable to fulfill the duties of the
709 office, the commissioner shall appoint an acting State Ombudsman and
710 the State Ombudsman shall appoint an acting assistant regional
711 ombudsman.

712 (c) Notwithstanding the provisions of subsection (b) of this section,
713 on and after July 1, 1990, the positions of State Ombudsman and
714 regional ombudsmen shall be classified service positions. The State
715 Ombudsman and regional ombudsmen holding said positions on said
716 date shall continue to serve in their positions as if selected through
717 classified service procedures. As vacancies occur in such positions
718 thereafter, such vacancies shall be filled in accordance with classified
719 service procedures.

720 Sec. 26. Section 17b-405 of the general statutes is repealed and the
721 following is substituted in lieu thereof (*Effective January 1, 2006*):

722 The regional ombudsmen shall, in accordance with the policies and
723 procedures established by the Office of the Long-Term Care
724 Ombudsman; [and the director:]

725 (1) Provide services to protect the health, safety, welfare and rights
726 of residents;

727 (2) Ensure that residents in service areas have regular timely access
728 to representatives of the program and timely responses to complaints
729 and requests for assistance;

730 (3) Identify, investigate and resolve complaints made by or on
731 behalf of residents that relate to action, inaction or decisions that may
732 adversely affect the health, safety, welfare or rights of the residents or
733 by, or on behalf of, applicants in relation to issues concerning
734 applications to long-term care facilities;

735 (4) Represent the interests of residents and applicants, in relation to
736 their applications to long-term care facilities, before government
737 agencies and seek administrative, legal and other remedies to protect
738 the health, safety, welfare and rights of the residents;

739 (5) (A) Review and, if necessary, comment on any existing and
740 proposed laws, regulations and other government policies and actions
741 that pertain to the rights and well-being of residents and applicants in
742 relation to their applications to long-term care facilities, and (B)
743 facilitate the ability of the public to comment on the laws, regulations,
744 policies and actions;

745 (6) Support the development of resident and family councils; and

746 (7) Carry out other activities that the State Ombudsman determines
747 to be appropriate.

748 Sec. 27. Section 17b-412 of the general statutes is repealed and the
749 following is substituted in lieu thereof (*Effective January 1, 2006*):

750 The [director] commissioner shall require the State Ombudsman to:

751 (1) Prepare an annual report:

752 (A) Describing the activities carried out by the office in the year for
753 which the report is prepared;

754 (B) Containing and analyzing the data collected under section 17b-
755 413;

756 (C) Evaluating the problems experienced by and the complaints
757 made by or on behalf of residents;

758 (D) Containing recommendations for (i) improving the quality of
759 the care and life of the residents, and (ii) protecting the health, safety,
760 welfare and rights of the residents;

761 (E) (i) Analyzing the success of the program including success in

762 providing services to residents of long-term care facilities; and (ii)
763 identifying barriers that prevent the optimal operation of the program;
764 and

765 (F) Providing policy, regulatory and legislative recommendations to
766 solve identified problems, to resolve the complaints, to improve the
767 quality of the care and life of residents, to protect the health, safety,
768 welfare and rights of residents and to remove the barriers that prevent
769 the optimal operation of the program.

770 (2) Analyze, comment on and monitor the development and
771 implementation of federal, state and local laws, regulations and other
772 government policies and actions that pertain to long-term care facilities
773 and services, and to the health, safety, welfare and rights of residents
774 in the state, and recommend any changes in such laws, regulations and
775 policies as the office determines to be appropriate.

776 (3) (A) Provide such information as the office determines to be
777 necessary to public and private agencies, legislators and other persons,
778 regarding (i) the problems and concerns of older individuals residing
779 in long-term care facilities; and (ii) recommendations related to the
780 problems and concerns; and (B) make available to the public and
781 submit to the federal assistant secretary for aging, the Governor, the
782 General Assembly, the Department of Public Health and other
783 appropriate governmental entities, each report prepared under
784 subdivision (1) of this section.

785 Sec. 28. (*Effective July 1, 2005*) (a) There is established a task force to
786 study the reestablishment of the Department on Aging pursuant to this
787 act. The task force shall study the provisions of this act and shall make
788 recommendations on revisions to the general statutes and other
789 changes necessary or advisable to implement the provisions of this act.

790 (b) The task force shall consist of the following members:

791 (1) One appointed by the speaker of the House of Representatives;

- 792 (2) One appointed by the president pro tempore of the Senate;
- 793 (3) One appointed by the majority leader of the House of
794 Representatives;
- 795 (4) One appointed by the majority leader of the Senate;
- 796 (5) One appointed by the minority leader of the House of
797 Representatives;
- 798 (6) One appointed by the minority leader of the Senate; and
- 799 (7) The chairpersons and ranking members of the select committee
800 of the General Assembly having cognizance of matters relating to
801 aging.
- 802 (c) Any member of the task force appointed under subdivision (1),
803 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
804 of the General Assembly.
- 805 (d) All appointments to the task force shall be made no later than
806 thirty days after the effective date of this section. If an appointment is
807 not made by the expiration of said thirty-day period, the chairpersons
808 and ranking members of the select committee of the General Assembly
809 having cognizance of matters relating to aging may make the
810 appointment. Any vacancy shall be filled by the appointing authority.
- 811 (e) The speaker of the House of Representatives and the president
812 pro tempore of the Senate shall select the chairpersons of the task
813 force, from among the members of the task force. Such chairpersons
814 shall schedule the first meeting of the task force, which shall be held no
815 later than sixty days after the effective date of this section.
- 816 (f) The administrative staff of the select committee of the General
817 Assembly having cognizance of matters relating to aging shall serve as
818 administrative staff of the task force.
- 819 (g) Not later than January 1, 2006, the task force shall submit a

820 report on its findings and recommendations to the select committee of
 821 the General Assembly having cognizance of matters relating to aging,
 822 in accordance with the provisions of section 11-4a of the general
 823 statutes. The task force shall terminate on the date that it submits such
 824 report or January 1, 2006, whichever is earlier.

825 Sec. 29. (NEW) (*Effective January 1, 2006*) (a) Wherever the words
 826 "Commissioner of Social Services" are used or referred to in the
 827 following sections of the general statutes, "Commissioner on Aging"
 828 shall be substituted in lieu thereof: 10-183l, as amended, 17b-406, 17b-
 829 407, 17b-411, 17b-422, as amended, 17b-424, 17b-427, as amended, 17b-
 830 451, as amended, 17b-453, 17b-454, 17b-455, 17b-456, 17b-459, 17b-490,
 831 17b-492, as amended, 17b-494, 17b-498, 17b-520, 17b-550, 17b-552, 20-
 832 14k, 22a-256c, 45a-651, and 45a-654.

833 (b) Whenever the words "Department of Social Services" are used or
 834 referred to in the following sections of the general statutes,
 835 "Department on Aging" shall be substituted in lieu thereof: 9-19h, 10a-
 836 178, 17b-251, as amended, 17b-421, 17b-422, as amended, 17b-423, as
 837 amended, 17b-425, 17b-426, 17b-427, as amended, 17b-452, 17b-453,
 838 17b-454, 17b-457, 17b-458, 17b-459, 17b-491, as amended, 17b-492, as
 839 amended, 17b-520, 17b-550, 17b-792, 19a-550 and 45a-651.

This act shall take effect as follows:	
Section 1	<i>January 1, 2006</i>
Sec. 2	<i>January 1, 2006</i>
Sec. 3	<i>January 1, 2006</i>
Sec. 4	<i>January 1, 2006</i>
Sec. 5	<i>January 1, 2006</i>
Sec. 6	<i>January 1, 2006</i>
Sec. 7	<i>January 1, 2006</i>
Sec. 8	<i>January 1, 2006</i>
Sec. 9	<i>January 1, 2006</i>
Sec. 10	<i>January 1, 2006</i>
Sec. 11	<i>January 1, 2006</i>
Sec. 12	<i>January 1, 2006</i>
Sec. 13	<i>January 1, 2006</i>

Sec. 14	<i>January 1, 2006</i>
Sec. 15	<i>January 1, 2006</i>
Sec. 16	<i>January 1, 2006</i>
Sec. 17	<i>January 1, 2006</i>
Sec. 18	<i>January 1, 2006</i>
Sec. 19	<i>January 1, 2006</i>
Sec. 20	<i>January 1, 2006</i>
Sec. 21	<i>January 1, 2006</i>
Sec. 22	<i>January 1, 2006</i>
Sec. 23	<i>January 1, 2006</i>
Sec. 24	<i>January 1, 2006</i>
Sec. 25	<i>January 1, 2006</i>
Sec. 26	<i>January 1, 2006</i>
Sec. 27	<i>January 1, 2006</i>
Sec. 28	<i>July 1, 2005</i>
Sec. 29	<i>January 1, 2006</i>

AGE *Joint Favorable Subst. C/R* HS

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